

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 12-53-RGA
	:	
	:	
SALEEM AKBAR SHARIF,	:	
	:	
Defendant.	:	

Federal Public Defender's Motion  
to Withdraw from Representation of Defendant Saleem Akbar Sharif

AND NOW comes Edson A. Bostic, Federal Public Defender for the District of Delaware, and files this Motion to Withdraw from Representation of Defendant Saleem Akbar Sharif.

1. Defendant Saleem Akbar Sharif has filed a pro se motion for sentence reduction under the retroactive amendments to the controlled substance sentencing guidelines.

2. The Federal Public Defender has been appointed to represent prisoners who may be eligible for the sentence reduction.

3. The Probation Office takes the position that Mr. Sharif is not eligible for a reduction.

4. Undersigned counsel has reviewed the record, and for the following reasons, counsel believes that there are no good faith argument that supports the granting a sentence reduction.

5. Mr. Sharif pled guilty to one count of importation of heroin and one count of possessing heroin with the intent to distribute.

6. Each count carried a maximum sentence of 40 years imprisonment and a minimum sentence of 5 years imprisonment; the defendant therefore faced a combined maximum sentence of 80 years imprisonment, and a mandatory minimum sentence of 5 years imprisonment (the drug statutes do not require that the 5 year minimum on the importation count run consecutively to the 5 year minimum on the distribution count).

7. The PSR calculated a sentencing range of 151 to 188 months imprisonment, and the district court varied downward to a sentence of 120 months imprisonment.

8. As a result of the retroactive amendments to the drug sentencing guidelines, Mr. Sharif's sentencing range was reduced to 121 to 151 months imprisonment.

9. Because Mr. Sharif's existing sentence – 120 months imprisonment – is below the revised guideline range of 121 to 151 months imprisonment, the district court is not empowered to grant a sentence reduction. *See* U.S.S.G. § 1B1.10, Application Note 3 (district court may impose a lower sentence only if it is “no less” than the minimum of the revised guideline range).

10. Because counsel is unaware of any good faith argument in favor of a sentence reduction, counsel moves to withdraw from representation.

11. If this motion to withdraw is granted, it will remain necessary for the district court to rule on defendant's pro se motion for sentence reduction.

WHEREFORE, it is requested that the Federal Public Defender's Motion to Withdraw from Representation be GRANTED.

Respectfully submitted,

Dated: May 14, 2018

/s/ Edson A. Bostic  
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